

Minutes  
**Workers' Compensation Advisory Council**  
Meeting, May 15, 2007  
1:30 pm, Great Northern Hotel

**Advisory Council members present:** Jerry Keck, Doug Buman, Dan Lee, Don Judge, Jason Miller, Bill Dahlgren, Annette Hoffman, Riley Johnson, Connie Welsh, Bob Worthington

**Project team members present:** Jerry Keck, Keith Messmer, Diana Ferriter, Chris Catlett, Wade Wilkison, David Elenbaas, Jim Dobbins, Jeanne Johns, Connie Ferriter, Sharon Peterson, Debbie Blossom, Anne Wolfinger

**Others present:** Tana Wilcox, Northwestern Energy; Ken Carpenter, Montana Health Systems; Lance Zanto, Department of Administration; Larry Jones, Liberty NorthWest; Tim Fitzpatrick, Broadspire; Mike Marsh, Midland Claims; Chuck Paske, Work Wright; Jon Bennion, Montana Chamber of Commerce; John Gottbreht, Putman and Associates; George Wood, Montana Self-Insurers Association; Laurence Hubbard, Nancy Butler, Matt Cohn, Leah Tietz, Montana State Fund; Nicole Genger, St. Peter's; Marv Jordan, MCCF; Mike Taylor, Raji Chadarevian, NCCI; Gene Surber, Les Graham, Agriculture Safety Program; John MacDonald, Gallatin Group; Emilia McEwan, MACO; Carl Crouse, ERD Safety Bureau; Ross Yeager, OSHA; Dr. Jesse Scharweber, Scharweber Chiropractic; Stacy Tempel-St. John, Tammy Turner, Fair Claim; Pat Murdo, Legislative Services; Jim Smith, Montana Pharmacy Association.

**I. Welcoming & Opening Remarks**

Lt. Governor John Bohlinger opened the meeting by having members of the advisory council and the audience introduce themselves.

**II. Approval of Agenda/Minutes**

Jason Miller moved, Bob Worthington seconded that the agenda be approved. Motion carried.

Bob Worthington moved, Doug Buman seconded that the minutes of the January 9, 2007 meeting be approved. Motion carried.

**III. Summary of Legislative Action**

Jerry Keck reviewed the workers' compensation legislation from the 2009 Session.

**IV. Proposed Changes to the Advisory Council Charter/Workplan**

Anne Wolfinger briefly explained the workplan in the Project Charter was modified to reflect an every-other-month meeting schedule, as suggested by council members.

Don Judge moved, Bill Dahlgren seconded that the advisory council charter/workplan be approved as revised. Motion carried.

**V. Health and Safety Initiatives**

Chris Catlett, Chief of the Safety and Health Bureau, Department of Labor and Industry, gave a presentation on ideas for a statewide safety initiative patterned after a similar program in British Columbia. Jason Miller distributed a paper entitled "Proposal Outline of Safety Program Concepts." The Advisory Council discussed the concepts and asked the staff to develop a specific, comprehensive proposal for a statewide safety program.

**VI. Medical/Pharmacy Fee Schedules**

Keith Messmer, Chief of the Workers' Compensation Regulation Bureau, went over the draft rules for the pharmacy fee schedule. A formal rulemaking hearing will be held after the rules are reviewed by the department legal staff.

**VII. Summary of Insurer Financial Results**

Mari Kindberg, an actuary with the Montana Insurance Commissioner's Office, presented a summary of insurer financial results based on research she had conducted over recent months. In the public discussion that followed, representatives from State Fund offered to provide additional information for the next meeting.

### **VIII. Workers' Compensation Exemptions and Cost Shifting**

Diana Ferriter, Chief of the Claims Assistance Bureau, explained how Montana compared with other states in the area of exemptions, based on the essential recommendations of the 1972 National Commission of State Workers' Compensation Laws. The Advisory Council asked staff to prepare recommendations on exemption policy, including commonality or consistency of what is exempt and guidelines for evaluating what is an appropriate exemption.

### **IX. Regulation/Oversight of Claims Examiners**

Diana Ferriter went over a memo she had written at the request of the Advisory Council regarding the regulation/oversight of claims examiners. The memo outlined alternatives to claims examiner licensing and regulation, such as the establishment of a toll-free number for the claims assistance bureau.

### **X. Public Comment**

Public comment was taken throughout the meeting on the agenda topics.

### **XI. Next Steps**

Develop a specific, comprehensive proposal for a statewide safety program	Project Team	Jul-09-2007
Request financial data, as offered, from Montana State Fund	Project Team	Jul-09-2007
Prepare recommendations on exemption policy	Project Team	Jul-09-2007

### **XII. Next Meetings**

Monday, July 9, 2007, time and location to be determined

Monday, September 10, time and location to be determined